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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LINDELL, A., et al.

Serial No.: 09/692,303
Filing Date: October 19, 2000

For: RADIATION CURABLE HOT MELT COMPOSITION AND A PROCESS FOR THE APPLICATION THEREOF

Docket: ACO2736US

Examiner: PIANALTO, B.

Group Art Unit: 1762

CERTIFICATE OF FACSIMILE TRANSMISSION
It is hereby certified that the attached: TRANSMITTAL LETTER IN DUPLICATE; AND RESPONSE TO OFFICE ACTION (6 Sheets) is being faxed to 703-872-9311 to the Assistant Commissioner for Patents

10/23/02
Angelique Mills

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE AND AMENDMENT UNDER 37 C.F.R. §1.116

Applicants submit this response to the Final Office Action dated May 23, 2002, in the above case. No new issues are raised by this response and Applicants believe no further search of the art is required and therefore request that this amendment be entered. The Examiner has maintained the rejection of claims 6-10 under 35 USC 102(a). Applicants respectfully traverse this rejection.

Applicants acknowledge the Examiner's point that the hot melt disclosed by Bolte et al. (US-A-4,990,364) is not limited to the coating compositions comprising (a) a polymerizable, hydroxyl-containing polymer, (b) a polymerizable polyester and/or an copolymer thereof, and (c) a polymerizable ethylenically unsaturated oligomer.

At column 11, lines 17-19, Bolte mentions that components (a) and (b) may be employed on their own or in combination with each other.

In contrast to the present invention, Bolte reveals, at column 21, lines 50-68, that atmospheric oxygen has an inhibitory effect on the composition, resulting in short-chain polymerizates formation on the surface. These short-chain polymerizates are soft and sticky. To prevent this oxygen inhibition, the composition of Bolte is cured in an inert atmosphere. Specifically, Bolte states that "It is thus **necessary** for the curing i.e. the polymerization stage to occur

within an inert atmosphere". Col. 21, ll. 58-59. Such an atmosphere can be created using inert gases or by applying water as a protective layer. Col. 21, ll. 60 and 64-66.

Consequently, in Bolte it is **necessary** to apply radiation **and** an inert atmosphere to cure the composition to a non-tacky coating.

Since, Bolte **does not disclose** a hot melt composition that can be cured by **radiation only** to a non-tacky coating and therefore, this element is absent from Bolte, it can not be an anticipation of the present invention under 35 USC 102(a).

Besides the necessary step of curing in an inert atmosphere, Bolte describes that the substrates are preferably pre-heated. Col. 20. Additionally, the application temperature is relatively high, namely between 100°C and 220°C, see Example 24.

Furthermore, as a solution to the relatively high viscosity of the composition at the application temperature and during curing, Bolte teaches the creation of a melt composition foam. Col.19, ll. 42-63.

Hence, preferably also heat is applied when curing of the coating of Bolte. Therefore, one reading Bolte would be taught that in order to obtain a non-tacky coating, the composition of Bolte requires (I) radiation, (II) an inert atmosphere, and (III) heating.

The composition of the current invention, on the other hand, cures to a non-tacky coating by radiation only. The composition cures both in an inert atmosphere and when atmospheric oxygen is present, thus it is not necessary to create an inert processing phase on the surface.

Additionally, contrary to the teachings in Bolte, heating of the substrates or a high application temperature is not required for application and curing of a coating composition according to the present invention. Furthermore, the relatively low viscosity of the coating composition does not require the creation of melt composition foam.

Since the composition according to the current invention can be cured by radiation only and does not require an additional process step, it is not anticipated by Bolte.

It is respectfully submitted that the Examiner's rejection under 35 USC 102(a) is rendered moot by the present response and amendment.

Respectfully submitted,

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TRANSMITTAL LETTER

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10/23/02
Angelique Mabe

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

☒Transmitted herewith is a responsive document(s) for this application. TRANSMITTAL LETTER; AMENDMENT AND RESPONSE AFTER FINAL; NOTICE OF APPEAL and CERTIFICATE OF FACSIMILE.

☒ Applicant hereby petitions for an extension of time under 37 CFR 1.136 of:

☐ One Month ($110.00)

☒ Two Months ($400.00)

☐ Three Months ($900.00)

☒ Notice of Appeal($320.00)

The total fee believed due is $ 720.00. Please charge this amount and any other fees which may be due (including filing fees under 37 CFR 1.16 and processing fees under 37 CFR 1.17) to Deposit Account No. 01-1350. If an extension of time is required but has not been requested above, Applicant hereby petitions for an extension of time sufficient for the attached document(s) to be timely. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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